

June 8, 2009  
Commissioners Meeting  
Minutes

A meeting of the Board of Commissioners of Colfax County, Nebraska was held in the Commissioners Room of the County Courthouse, Schuyler, Nebraska on the 8th day of June, 2009. The County Board of Commissioners met at 8:30 a.m. Present were: Jerry L. Heard, Jerold Kracl, and Skip Oehlrich, County Commissioners, Rita M. Mundil, County Clerk, Bo Botelho, County Attorney. Notice of this meeting was given in advance thereof by posting written notice in at least three different public places as shown by the Certificate of Posting Notice. Availability of the proposed agenda was communicated in the advance notice and in the notice to the board. Copies of the Open Meetings Act were posted and available to the public. All proceedings shown were taken while the meeting was officially convened and open to the public.

The chairman stated a copy of the Open Meeting Act statute is posted and available to the public.

Motion Kracl; second Oehlrich to approve the agenda. Voting YES: Heard, Kracl and Oehlrich. Voting NO: None. Motion carried.

Motion Heard; second Kracl to approve the minutes of 5/26/09. Voting YES: Kracl, Oehlrich and Heard. Voting NO: None. Motion carried.

Motion Heard; second Kracl to enter executive session for GA Clerk report at 8:35 a.m. Voting YES: Oehlrich, Heard and Kracl. Voting NO: None. Motion carried.

Motion Kracl; second Oehlrich to exit executive session at 8:37 a.m. Voting YES: Heard, Kracl and Oehlrich. Voting NO: None. Motion carried.

The chairman stated no action was taken while in executive session.

The weed superintendent gave a report of the activities of his department; grant funds are available for spraying phragmites on the river.

The clerk provided the board with her monthly fees; STOP Revenue received; NIRMA/NIRMA II 2009-10 Billing Statement; and correspondence from CNCS requesting for written support of Early Head Start Expansion.

The board received a copy of the monthly fee report of the District Court Clerk.

The sheriff provided a copy of his monthly fees for April.

The board reviewed the Internal Controls of the following offices: Clerk, Clerk of District Court, Road Department, Planning and Zoning, Sheriff, Treasurer, Veterans' Aid Service and Noxious Weed.

The board reviewed the services that the CASA program would provide for children who are in the court system; the board is requesting Marilyn Campain /CASA to attend June 23, 2009 meeting. Motion Kracl; second Heard to table any action until the next meeting. Voting YES: Kracl, Oehlrich and Heard. Voting NO: None. Motion carried.

A letter of resignation from Brenda Rist/Colfax County Communication 911 Coordinator on the Governance Board of Emergency Management Regional group known as the Northeast Region was presented and accepted by the board. Motion Kracl; second Oehlrich to authorize the chairman to sign the appointment of Lenny Hiltner/Schuyler Emergency Manager on the Governance Board of Emergency Management Regional group known as the Northeast Region to fulfill all duties as required by the regional group. Voting YES: Oehlrich, Heard and Kracl. Voting NO: None. Motion carried.

The zoning administrator gave a report of the activities of his department. The board received a receipt of a DEQ notice for Calvin Urban Livestock on a Modified Phased Construction and Operating Permit Issued and Approval to Operate Phase 1 and Phase Construction and Operating Permit. The zoning administrator provided his 2009/2010 fiscal year contract to be reviewed. Motion Kracl; second Oehlrich to approve the P & Z Administrator and Flood Plain Administrator contract for \$2247.24 monthly (zoning) and \$500.00 monthly (flood plain). Voting YES: Heard, Kracl and Oehlrich. Voting NO: None. Motion carried.

The board met with the veteran service officer and he reviewed his FY09-10 budget documents. Motion Kracl, second Heard to approve the resolution re-appointing Richard Dostal to a five-year term on the veteran service committee. Voting YES: Kracl, Oehlrich and Heard. Voting NO: None. Motion carried.

Motion Oehlrich; second Heard to approve the resolution re-appointing Robert P. Dahlstedt to a one-year term as the county veteran service officer. Voting YES: Oehlrich, Heard and Kracl. Voting NO: None. Motion carried.

The board provided an opportunity for public comment.

The board reviewed the bids for bridge replacement culverts that were publicly opened and read June 5, 2009 at 10:00 a.m. in the clerk's office.

Motion Kracl; second Oehlrich for bridge replacement culvert with B's Enterprises in the amount \$18,653.00 for project C-19(405). Voting YES: Oehlrich, Heard and Kracl. Voting NO: None. Motion carried.

Motion Kracl; second Heard for bridge replacement culvert with B's Enterprises in the amount \$19,163.24 for project C-19(407). Voting YES: Heard, Kracl and Oehlrich. Voting NO: None. Motion carried.

Motion Oehlrich; second Kracl for bridge replacement culvert with B's Enterprises in the amount \$17,184.30 for project C-19(408). Voting YES: Kracl, Oehlrich and Heard. Voting NO: None. Motion carried.

Motion Heard; second Kracl for bridge replacement culvert with B's Enterprises in the amount \$22,767.24 for project C-19(410). Voting YES: Oehlrich, Heard and Kracl. Voting NO: None. Motion carried.

Motion Oehlrich; second Kracl for bridge replacement culvert with Midwest Service & Sales Inc. in the amount \$4,828.41 for project C-19(411). Voting YES: Heard, Kracl and Oehlrich. Voting NO: None. Motion carried.

Motion Kracl; second Heard for bridge replacement culvert with B's Enterprises in the amount \$19,282.30 for project C-19(412). Voting YES: Kracl, Oehlrich and Heard. Voting NO: None. Motion carried.

Motion Oehlrich; second Kracl for bridge replacement culvert with Midwest Service & Sales Inc. in the amount \$7,108.45 for project C-19(413). Voting YES: Oehlrich, Heard and Kracl. Voting NO: None. Motion carried.

Motion Kracl; second Heard for bridge replacement culvert with Midwest Service & Sales Inc. in the amount \$13,418.06 for project C-19(414). Voting YES: Heard, Kracl and Oehlrich. Voting NO: None. Motion carried.

Motion Heard; second Kracl for bridge replacement culvert with Midwest Service & Sales Inc. in the amount \$15,577.25 for project C-19(415). Voting YES: Kracl, Oehlrich and Heard. Voting NO: None. Motion carried.

Motion Kracl; second Heard for bridge replacement culvert with Midwest Service & Sales Inc. in the amount \$19,547.04 for project C-19(416). Voting YES: Oehlrich, Heard and Kracl. Voting NO: None. Motion carried.

Motion Oehlrich; second Kracl for bridge replacement culvert with Midwest Service & Sales Inc. in the amount \$17,082.02 for project C-19(417). Voting YES: Heard, Kracl and Oehlrich. Voting NO: None. Motion carried.

Motion Heard; second Kracl for bridge replacement culvert with B's Enterprises in the amount \$24,746.00 for project C-19(419). Voting YES: Kracl, Oehlrich and Heard. Voting NO: None. Motion carried.

Motion Kracl; second Oehlrich for bridge replacement culvert with B's Enterprises in the amount \$19,176.62 for project C-19(421). Voting YES: Oehlrich, Heard and Kracl. Voting NO: None. Motion carried.

Motion Heard; second Kracl to enter executive session to prevent needless injury to the reputation of a person at 11:25 a.m. Voting YES: Heard, Kracl and Oehlrich. Voting NO: None. Motion carried.

Motion Heard; second Oehlrich to exit executive session at 11:37 a.m. Voting YES: Kracl, Oehlrich and Heard. Voting NO: None. Motion carried.

The chairman stated no action was taken while in executive session.

The clerk summarized the day's agenda and action taken.

Motion Heard; second Kracl to adjourn BOC at 11:45 a.m. and to meet again June 23, 2009. Voting YES: Heard, Kracl, and Oehlrich. Voting NO: None. Motion carried.

A meeting of the Board of Equalization of Colfax County, Nebraska was held in the Commissioners Room of the County Courthouse, Schuyler, Nebraska on the 8th day of June, 2009. The County Board of Equalization met at 1:15 pm. Present were: Jerold Kracl, Jerry Heard and Skip Oehlrich, County Commissioners, Rita M. Mundil, County Clerk, Lisa R. Svehla, Deputy County Clerk, Bo Botelho, County Attorney, Viola Bender, County Assessor and Bill Kaiser, Kaiser Appraisal. Notice of this meeting was given in advance by posting written notice in at least three different public places as shown by the Certificate of Posting Notice. Availability of the proposed agenda was communicated in the advance notice and in the notice to the board. A copy of the Open Meetings Act was posted and available to the public. All proceedings shown were taken while the meeting was officially convened and open to the public.

Motion Kracl; second Oehlrich to enter executive session for litigation with Cargill TERC hearing at 1:15 p.m. Voting YES: Kracl, Oehlrich and Heard. Voting NO: None. Motion carried.

Motion Heard; second Oehlrich to exit executive session at 1:31 p.m. Voting YES: Oehlrich, Heard and Kracl. Voting NO: None. Motion carried.

The chairman stated no action was taken while in executive session.

The board scheduled June 23, 2009, July 8<sup>th</sup>, 13<sup>th</sup> and July 16, 2009, to conduct hearings on form 422. July 24<sup>th</sup> will be the final day for equalization hearings.

The board reviewed the Notice of Proposed Valuation Change for Undervalued or Omitted Property on parcel number 120919500. After reading and discussing the notice with the assessor, motion Kracl; second Heard to approve the proposed valuation change. Voting YES: Heard, Kracl and Oehlrich. Voting NO: None. Motion carried. The owner of the parcel did not attend the meeting.

The board reviewed the Decision and Order affirming the decision of the Colfax County Board of Equalization on the Schuyler Apartment Partners LLC.

The practice and procedures of the county assessor’s office were made available for all hearings.

Commissioner Oehrich and Clerk Mundil were excused from the meeting.

The board conducted valuation protest hearing with property owners.

Motion Heard; second Kracl to adjourn BOE at 1:45 p.m. to meet again on Tuesday, June 23, 2009.

Voting YES: Kracl and Heard. Voting NO: None. Absent: Oehrich. Motion carried.

I, Rita M. Mundil, duly appointed and qualified County Clerk of said county, do hereby state that the above minutes were recorded by me, are true and correct to my knowledge, are recorded in the Commissioners Records and were completed for public inspection and publication on the 9th day of June, 2009.

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Rita M. Mundil, County Clerk

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